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10
11 IN THE UNITED STATES DISTRICT COURT
12 FOR THE EASTERN DISTRICT OF CALIFORNIA
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15 **ASSOCIATION OF AMERICAN
16 RAILROADS and AMERICAN SHORT
LINE AND REGIONAL RAILROAD
ASSOCIATION,**

Case No. 2:23-cv-1154-DJC-JDP

17 Plaintiffs,

18 v.

20 **LIANE M. RANDOLPH, in her official
21 capacity as Chair of the California Air
Resources Board; STEVEN S. CLIFF, in
22 his official capacity as Executive
Officer of the California Air Resources
Board; and ROB BONTA, in his official
23 capacity as Attorney General of the
State of California,**

DEFENDANTS' NOTICE OF CROSS-
MOTION FOR SUMMARY JUDGMENT
OR, IN THE ALTERNATIVE, MOTION
FOR A STAY OR DISMISSAL UNDER
THE PRIMARY JURISDICTION
DOCTRINE

Date: April 25, 2024
Time: 1:30 PM
Courtroom: 10 (13th floor)
Judge: The Honorable Daniel J.
Calabretta
Trial Date: Not Set
Action Filed: June 16 2023

24 Defendants.
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1 **TO ALL PARTIES AND ATTORNEYS OF RECORD:**
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3 **YOU ARE HEREBY GIVEN NOTICE** that on April 25, 2024, or as soon thereafter
4 as this matter may be heard, Liane M. Randolph, in her official capacity as Chair of the
5 California Air Resources Board; Steven S. Cliff, in his official capacity as Executive
6 Officer of the California Air Resources Board; and Rob Bonta, in his official capacity as
7 Attorney General of the State of California (collectively, "Defendants") will and hereby do
8 respectfully cross-move for summary judgment or, in the alternative, move for a stay or
9 dismissal of the remainder of this case under the primary jurisdiction doctrine.

10 This Cross-Motion for Summary Judgment is brought pursuant to Rule 56 of the
11 Federal Rules of Civil Procedure and Local Rules 230 and 260. The alternative relief
12 sought—a stay or dismissal—is sought pursuant to Local Rule 230 and the primary
13 jurisdiction doctrine. Defendants' motion is based on this Notice of Motion, the
14 accompanying Memorandum of Points and Authorities, the concurrently filed Request for
15 Judicial Notice, Declarations of Michael S. Dorsi and Dylan K. Johnson and attached
16 papers, all documents in the Court's file, and other such written and oral argument as
17 may be presented to the Court. Pursuant to the Court's standing order, this motion is
18 made following the conference of counsel on March 4, 2024. (See Decl. of Dylan K.
19 Johnson ¶ 9.)

20 Dated: March 5, 2024

21 Respectfully submitted,

22 ROB BONTA
23 Attorney General of California
24 MYUNG J. PARK
25 Supervising Deputy Attorney General

26 */s/ M. Elaine Meckenstock*
27 M. ELAINE MECKENSTOCK
28 Deputy Attorney General
 Attorneys for Defendants